

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BIKASH MOHAN MOHANTY, On Behalf of  
Himself and All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR  
BASSAN-EZKENAZI, RAN OZ, FREDERICK  
BALL, GAL ISRAELY, DEAN GILBERT,  
KEN GOLDMAN, LLOYD CARNEY, BRUCE  
SACHS, ROBERT SACHS, GEOFFREY  
YANG, MORGAN STANLEY & CO., INC.,  
MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC., JEFFERIES & CO., INC.,  
COWEN AND CO., INC., AND  
THINKEQUITY PARTNERS LLC

Defendants.

Case No. 3:07-CV-05101-SBA

**STIPULATION AND [PROPOSED]  
ORDER REGARDING  
CONSOLIDATION AND  
SCHEDULING**

DENNIS KOESTERER, On Behalf of Himself  
and All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR  
BASSAN-EZKENAZI, FREDERICK A. BALL,  
RAN OZ, LLOYD CARNEY, DEAN  
GILBERT, KEN GOLDMAN, GAL ISRAELY,  
BRUCH SACHS, ROBERT SACHS, and  
GEOFFREY YANG

Defendants.

Case No. 3:07-CV-05168-MMC

ABRENA WINSTON, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR  
BASSAN-EZKENAZI, RAN OZ,  
FREDERICK BALL, GAL ISRAELY, DEAN  
GILBERT, KEN GOLDMAN, LLOYD  
CARNEY, BRUCE SACHS, ROBERT  
SACHS, GEOFFREY YANG, MERRILL  
LYNCH, PIERCE, FENNER & SMITH, INC.,  
MORGAN STANLEY & CO., INC., COWEN  
AND CO., JEFFERIES & CO., and  
THINKEQUITY PARTNERS LLC

Defendants.

Case No. 3:07-CV-05327-JSW

DONALD SMITH, On Behalf of Himself and  
All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR  
BASSAN-EZKENAZI, and FREDERICK A.  
BALL

Defendants.

Case No. 3:07-CV-05361-SI

1 WAYNE LUZON, On Behalf of Himself and All )  
Others Similarly Situated, )

2 Plaintiff, )

3 v. )  
4 )

5 BIGBAND NETWORKS, INC., AMIR BASSAN- )  
EZKENAZI, RAN OZ, FREDERICK BALL, GAL )  
ISRAELY, DEAN GILBERT, KEN GOLDMAN, )  
6 LLOYD CARNEY, BRUCE SACHS, ROBERT )  
SACHS, GEOFFREY YANG, MORGAN )  
7 STANLEY & CO., INC., MERRILL LYNCH, )  
PIERCE, FENNER & SMITH, INC., JEFFERIES )  
8 & CO., INC., COWEN AND CO., INC., and )  
THINKEQUITY PARTNERS LLC )

9 Defendants. )  
10 )

11 DEBRA L. BERNSTEIN, Individually and On )  
Behalf of All Others Similarly Situated, )

12 Plaintiff, )

13 v. )  
14 )

15 BIGBAND NETWORKS, INC., AMIR BASSAN- )  
EZKENAZI, RAN OZ, FREDERICK A. BALL, )  
GAL ISRAELY, DEAN GILBERT, KENNETH E. )  
GOLDMAN, LLOYD CARNEY, BRUCE I. )  
16 SACHS, ROBERT J. SACHS, GEOFFREY Y. )  
YANG, MORGAN STANLEY & CO. )  
17 INCORPORATED, JEFFERIES & COMPANY, )  
INC., MERRILL LYNCH, PIERCE, FENNER & )  
18 SMITH INCORPORATED, COWEN AND )  
COMPANY LLC, and THINKEQUITY )  
19 PARTNERS LLC, )

20 Defendants. )  
21 )

Case No. 3:07-CV-05637-WHA

Case No. 07-05819 CRB

EUGENE L. HAMMER, On Behalf of Himself  
and All Others Similarly Situated,

Plaintiff,

v.

BIGBAND NETWORKS, INC., AMIR BASSAN-  
EZKENAZI, RAN OZ, FREDERICK A. BALL,  
RAN OZ, LLOYD CARNEY, DEAN GILBERT,  
KEN GOLDMAN, GAL ISRAELY, BRUCE I.  
SACHS, ROBERT J. SACHS and GEOFFREY Y.  
YANG,

Defendants.

Case No. 07-5825-MHP

The parties hereby stipulate, and the Court hereby orders, as follows:

**CONSOLIDATION OF RELATED CASES**

1. The following actions are related cases:

- *Mohanty v. Bassan-Eskenazki et al.*, No. C 07-5101-SBA, filed 10/03/07;
- *Koesterer v. BigBand Networks, Inc., et al.*, No. C 07-5168-MMC, filed 10/09/07;
- *Winston v. BigBand Networks, Inc., et al.*, No. C 07-5327-JSW, filed 10/18/07;
- *Smith v. BigBand Networks, Inc., et al.*, No. C 07-5361-SI, filed 10/19/07;
- *Luzon v. BigBand Networks, Inc., et al.*, No. C 07-5637-WHA, filed 11/6/07;
- *Bernstein v. BigBand Networks, Inc., et al.*, No. C 07-05819-CRB, filed 11/15/07; and
- *Hammer v. BigBand Networks, Inc., et al.*, No. C 07-5825-MHP, filed 11/16/07.

Pursuant to Federal Rules of Civil Procedure 42(a), these cases are hereby consolidated into Civil Action No. 07-cv-5101-SBA, for all purposes, including pretrial proceedings, trial, and appeal. The consolidated action shall be captioned: "*In re BigBand Networks, Inc. Securities Litigation.*"

2. Undersigned counsel for BigBand Networks, Inc., Amir Bassan-Eskenazi, Ran Oz, Frederick Ball, Gal Israely, Dean Gilbert, Ken Goldman, Lloyd Carney, Bruce Sachs, Robert Sachs, Geoffrey Yang, and undersigned counsel for Morgan Stanley & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Jefferies & Company, Inc., Cowen and Company, LLC, and ThinkEquity Partners LLC (all collectively, "Defendants") are authorized to accept, and hereby accept, service of all complaints and summonses in the above-captioned matters pursuant to Federal Rule of Civil Procedure 4(d).

3. All related actions that are subsequently filed in, or transferred to, this District shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related action, absent order of the Court. A party that objects to such consolidation, or to any other provision of this Order, must file an application for relief from this Order within thirty (30) days after the date on which a copy of the order is served on the party's counsel.

4. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

**MASTER DOCKET AND CAPTION**

5. The docket in Civil Action No. 07-cv-5101-SBA shall constitute the Master Docket for this action.

6. Every pleading filed in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

In re BIGBAND NETWORKS, INC. ) Master File No. 07-cv-5101-SBA  
SECURITIES LITIGATION )

\_\_\_\_\_) CLASS ACTION  
This Document Relates To: )  
\_\_\_\_\_) )  
\_\_\_\_\_) )

7. The file in Case No. 07-cv-5101-SBA shall constitute a Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Documents Relates To". When a pleading applies only to some, but not all, of the actions, the document shall list, immediately after the phrase "This Documents Relates To", the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action.

8. The parties shall file a notice of related cases whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on plaintiff's counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendants in the new case; and
- d. make the appropriate entry in the Master Docket.

**LEAD PLAINTIFF'S COUNSEL**

9. After the Court has designated a Lead Plaintiff and Lead Plaintiff's Counsel, pursuant to 15 U.S.C. § 78u-4(a)(3), Lead Plaintiff's Counsel shall have authority to speak for, and enter into agreements on behalf of, plaintiffs in all matters regarding pretrial procedures, discovery, and settlement negotiations. Lead Plaintiff's Counsel shall be responsible for coordination of all activities and appearances on behalf of plaintiffs and for dissemination of notices and orders. Lead Plaintiff's Counsel shall be responsible for communications with the Court on behalf of Plaintiffs. Lead Plaintiff's Counsel shall maintain a master service list of all parties and counsel, and service upon Lead Plaintiff's Counsel shall be deemed sufficient to effect service on all plaintiffs.

10. Defendants' counsel may rely upon agreements made with Lead Plaintiff's Counsel. Such agreements shall be binding on all plaintiffs.

**PLEADINGS AND MOTIONS**

11. Following the appointment of a Lead Plaintiff and Lead Plaintiff's Counsel, the parties shall meet and confer and submit a mutually agreeable schedule for the filing of a consolidated complaint (or designation of an operative complaint), as well as for the briefing and hearing of responses thereto. The consolidated or operative complaint shall supersede all complaints filed in any of the actions consolidated herein.

12. Defendants are not required to respond to the complaint in any action consolidated into this action, other than the consolidated complaint filed by the Lead Plaintiff or a complaint designated as the operative complaint by the Lead Plaintiff.

13. The above-captioned cases have been designated for this Court's Electronic Case Filing Program, and all pleadings and papers shall be electronically served in accordance with the Local Rules and General Orders of this Court regarding Electronic Case Filing. To the extent that any papers are not electronically filed, the Defendants and the Lead Plaintiff shall serve all such papers on each other by hand, by overnight delivery, or facsimile, unless otherwise agreed upon. Notwithstanding the foregoing, and paragraph 9 above, in the event

that Defendants elect to serve plaintiffs' counsel, other than Lead Plaintiff's Counsel, they may do so by first class mail, unless otherwise agreed upon by the parties.

IT IS SO STIPULATED.

Dated: November 15, 2007

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*Additional counsel for Plaintiff Bikash Mohan Mohanty*

Dated: November 15, 2007

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*Counsel for Plaintiff Dennis Koesterer*

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1 Dated: November 16, 2007

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7 *Counsel for Plaintiff Abrena Winston*

8 Dated: November 15, 2007

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18 *Counsel for Plaintiff Donald Smith*

19 Dated: November 14, 2007

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Mark Punzalan

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25 *Counsel for Plaintiff Wayne Luzon*

1 Dated: November 16, 2007

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6 *Counsel for Plaintiff Debra L. Bernstein*

8 Dated: November 20, 2007

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18 *Counsel for Plaintiff Eugene L. Hammer*

19 Dated: November 14, 2007

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

20 By: /s/ Keith Eggleton

Keith Eggleton

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26 *Counsel for Defendants BigBand Networks, Inc.,*  
27 *Amir Bassan-Eskenazi, Ran Oz, Frederick Ball,*  
*Gal Israely, Dean Gilbert, Ken Goldman, Lloyd*  
28 *Carney, Bruce Sachs, Robert Sachs and Geoffrey*  
*Yang*

1 Dated: November 15, 2007

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2 By: /s/ Michael C. Tu

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11 *Counsel for Defendants Morgan Stanley & Co.,*  
12 *Inc., Merrill Lynch, Pierce, Fenner & Smith*  
13 *Incorporated, Jefferies & Company, Inc., Cowen*  
14 *and Company, LLC and ThinkEquity Partners LLC*

15 **ORDER**

16 PURSUANT TO STIPULATION, IT IS **SO ORDERED**.

17  
18  
19  
20 The Honorable Sandra B. Armstrong  
United States District Judge

ATTESTATION

I, Joni Ostler, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION AND SCHEDULING. In compliance with General Order 45.X.B, I hereby attest that the above-listed counsel, Reed Kathrein, Stephen L. Porter, Alan R. Plutzik, Nicholas J. Licato, Mark Punzalan, Lester R. Hooker, Laurence D. King, Keith Eggleton and Michael C. Tu, have all concurred in this filing.

Dated: November 21, 2007

WILSON SONSINI GOODRICH & ROSATI

By: /s/ Joni Ostler

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Amir Bassan-Eskenazi, Ran Oz, Frederick Ball,  
Gal Israely, Dean Gilbert, Ken Goldman, Lloyd  
Carney, Bruce Sachs, Robert Sachs and Geoffrey  
Yang*

**CERTIFICATE OF SERVICE**

I, Rosemarie Dean, declare:

I am employed in Santa Clara County, State of California. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

On this date, I served:

**STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION AND SCHEDULING**

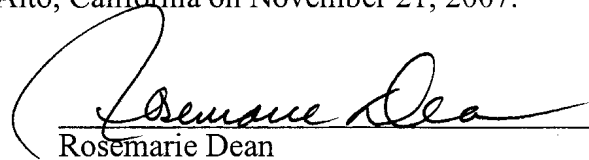


By e-mail transmission on that date. This document was transmitted via e-mail to the following e-mail addresses as set forth below:

Michael C. Tu  
Orrick Herrington & Sutcliffe LLP  
777 South Figueroa Street, Suite 3200  
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I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of documents for delivery according to instructions indicated above. In the ordinary course of business, documents would be handled accordingly.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on November 21, 2007.

  
Rosemarie Dean